

On page 16, paragraph 0062, line 13 please delete "once" and insert therefore --one -- three times--.

On page 35, paragraph 0147, line 26, after "3 month" and before "depot" please insert therefore --(or 3 times one month)--.

#### REMARKS

##### Pending Claims:

Original claims 1 - 18 are cancelled by this amendment. Claims 19 - 53 are added.

##### Amendments to Specification:

The amendments to the specification are made to correct typographical errors and for clarity. For example, the word "or" was inadvertently left out of paragraph 0060. In paragraph 0060, support for "Eulexin" can be found in the original claim 12. Accordingly, claims 19 - 53 are under consideration in the above-identified patent application. No new matter has been added. Support for claims 19 - 53 is found throughout the specification.

##### Restriction Requirement:

Prior to this amendment, claims 1-18 were pending. The examiner classified these claims into groups as follows: claims 1-3 and 6-8 as Group I, claims 1, 2 and 4-9 as Group II, and claims 1, 2, and 10-18 as Group III are subject to a restriction requirement based upon the Examiner's view that the inventions are distinct because the systemic conditions of the patients are different and the different conditions require different steps for thymic deactivation and reactivation.

Applicant respectfully disagrees with the Examiner's grouping, and believes the Examiner has misunderstood the scope of what is described in the specification. Applicant has discovered, among other things, methods for inducing tolerance in a patient to a graft from a histocompatibility mismatched donor. Regardless of the condition of the patient, i.e. regardless of whether the patient has an intact thymus or one that was damaged by disease or by chemotherapy, the procedure is essentially the same. This can be seen from the original set of

claims, where all method claims depend from claim 1, which has the element of inducing tolerance in a patient to a graft from a mismatched donor, regardless of the status of the patient's thymus. This is also true in new claim 19. None of the subsequently claimed method elements distinguishes between post-pubertal patients with undamaged, thymuses on the one hand, and patients whose thymuses have been damaged by disease, chemotherapy or surgical removal on the other hand. This is in part true due to the fact that the thymus of a postpubertal patient is at least partially inactive. (Please note that there is no description or claim to the surgical removal of a thymus; some claims refer to surgical removal of gonads.) Thus, dividing patients in two groups such as Group I and Group II based on the status of their thymuses does not make sense in the present application.

Likewise, it does not make sense to restrict certain claims to a group where sex steroid mediated signaling to the thymus is disrupted in the patient by administering a pharmaceutical composition (group III). In the set of claims originally presented, as well as in the claims currently presented, there is no group of claims where such a procedure is not claimed or could not be claimed. In other words, this procedure is used or usable in all of the embodiments listed, so there is not a set of claims to exclude from this group.

While Applicant is confused about the choice of groups available for election, Applicant hereby attempts to make an election by choosing Group III, wherein the claims cover disruption of sex steroid mediated signaling to the thymus by administration of a pharmaceutical composition. As Applicant has canceled the original claims 1-18, these claims no longer fall within the group. Applicant believes that all of the new claims 19-53 fall within Group III as interpreted by Applicant. Alternatively, Applicant believes that claims 19-52, which are method claims, fall within Group III, while claim 53, a kit claim, does not.

#### Species Election

The Examiner further requests that Applicant elect a single disclosed species to which the claims would be restricted if no generic claim is finally held to be allowable, and to list all claims readable thereon. For example, the Examiner has requested election of a particular type of stem cell, election of a particular disease or procedure to deactivate the thymus (if Group II is elected) and election of a specified combination of a pharmaceutical composition (i.e. LHRH agonist,

LHRH antagonist, anti-LHRH vaccine). In accordance with Applicant's suggested grouping of the claims, Applicant elects the species hematopoietic stem cells (HSC) and an LHRH agonist, to which the elected claims of group III are to be restricted if no generic claim is finally held to be allowable. Applicant believes that claims 42-46 and 48-50 correspond to the elected species.

**Conclusion**

Applicant respectfully asserts that all pending claims are in condition for allowance and requests that the Examiner allow claims 19 - 53.

If the Examiner feels for any reason that direct contact with Applicant's attorney will advance the prosecution of this case, the Examiner is invited to contact the undersigned attorney at the number given below.

The Commissioner is hereby authorized to charge payment of the additional claims and fees for extensions of time to Deposit Account No. 09-0946.

Respectfully submitted,  
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